

STATEMENT *

The Socialist Party as the governing force with unlimited power, should take and exercise full responsibility in securing the democratic future of the country, by withdrawing and awaiting the urgent Opinion of the Venice Commission regarding the unilateral legal amendments on the elections

The political agreements of 14 January and 5 June 2020 between the political actors¹ representative of the people's will as mandated by the 2017 parliamentary election process, received the congratulations and support of national actors and foreign partners, although they had manifested an extra-institutional, non-transparent and non-comprehensive behavior that did not fully address the proper issues.

Therefore, all the dimensions of a reform process of a democratic and institutional reality became null as regards the major goal that concerned the **acceptance of the next election process by all parties, as well as restoring the parliamentary life to democratic normality.**

Before the amendments to the Electoral Code according to the Agreement of the Political Council of 5 June 2020 were approved, the legislative process, under the lead of the socialist majority, took a second sudden amending course in violation of the law, as the KRIIK has previously stated in the Document² published on 17 July 2020.

The socialist majority and the parliamentary opposition in the Albanian Parliament approved a constitutional amendment on electoral issues, contrary to the will expressed in the agreement of June 5th and without ensuring that this would be accepted by the extra-parliamentary opposition.

The constitutional amendment approved on July 30, 2020³ was subsequently followed by another package of amendments to the Electoral Code, once again without the consent of the extra-parliamentary opposition.

The amendment package, which was fundamentally different to and deviated from the expressed rationale behind it, as publicly expressed by the socialist majority, during the unilateral undertaking of constitutional amendments, was approved on 5 October 2020 by the Assembly of Albania⁴.

This second amendment to the Electoral Code was returned for review to the Assembly of Albania by Decree of the President of the Republic dated October 23rd, 2020, with an extensive reasoning where,⁵ inter alia, the majority was requested to "reflect by reviewing its stance on these new rules, and to await the final opinion of the Venice Commission, while calling for a comprehensive dialogue through the Political Council". As disclosed, on 21 October 2020, the President of the Republic of Albania addressed the Venice Commission⁶ at the Council of Europe for an urgent opinion about the unilateral and accelerated amendments to the Constitution and the Electoral Code.

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The Coalition for Reforms, Integration and Consolidated Institutions (KRIIK) has consistently called on key political actors to exercise maturity in undertaking the reform of the new electoral legal framework.

Although it has expressed and holds numerous reservations about the reform process of the electoral legal framework, with the aim of achieving the re-stabilization of the parliamentary life in the country, KRIIK has strongly encouraged political actors **to**



hold comprehensive dialogue for reaching an agreement that would precede an electoral process accepted by the candidates.

KRIIK expresses its concern that, as the election period has already commenced, and the country has to cope with a serious public health situation and with a newly established Central Election Commission, legislative amendments on essential electoral issues **without political consent are fatal to the normal democratic and political progress of the country.**

KRIIK finds the opportunity of the amendment package being returned to the Assembly to **call on political actors to dialogue and come to an agreement as soon as possible for the conclusion of the reform process.** Moreover, this agreement is necessary to continue in the pursuit and assistance of the newly established CEC to face the significant challenges that have been assigned to it by the legislator. Among other things, the timing and context of the public health emergency are increasingly aggravating the progress of the preparation for the elections of 25 April 2021.

The lack of a Constitutional Court as an essential mechanism for observing the citizens' freedoms and rights, as well as other constitutional guarantees, further dictates the failure to undertake **an amendment process for the Electoral Code without political consent.** Such a process **is critical to increasing dangerous precedents for the democratic future of the country** more than to the fate of subsequent elections.

Subsequent majorities can perpetuate the reoccurrence of this precedent by legitimizing the undertaking of strictly one-sided and consequently anti-democratic electoral reforms. Particularly in pre-democratic realities, such behavior is another step back in the state-building tradition, by undoing the previous standard of closed bipartisan agreements with narrow interests.

Political stakeholders, in particular **the Socialist Party as the governing force with unlimited power, must take full responsibility for the democratic future of the country by providing all the necessary guarantees for all actors** who want to participate in the elections.

The nearly 30-year-old practice of suffering consequences due to the rejection of the election results by candidate parties must come to an end.

The maturity and foresight of the Albanian political class, in justification of and pursuant to the democratic commitments undertaken by Albania as a NATO member country, a candidate for European Union membership and, currently, as the Chair of the Organization for Security and Cooperation in Europe (OSCE), must promptly ensure the resolution of this redundant political stalemate through an ongoing dialogue roundtable to the benefit of the country and the Albanian people, by acknowledging the unequivocal implementation of constitutional aspirations and the improvement of the whole legal and institutional behavior, which, in the absence of a national constitutional guarantor, **accepts the verdict of third-party international actors with power, expertise and experience, such as the Venice Commission.**

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KRIIK regrets that this mechanism was not previously invested in by the respective actors, as KRIIK called for in July during the start of the political clashes regarding the unilateral constitutional amendments. However, even now, in the short timeframe of preparing for the next elections, it is of the opinion that the timeframe until the urgent receipt of the Opinion and the topic sent for interpretation do not bring any serious, direct

and irreversible complications in the preparatory progress of the initiated electoral process. All this takes place in view of the current context and to avoid an even more problematic situation that may emerge during or after the next elections.

In this regard, it is necessary that the **Socialist Majority withdraws and immediately suspends today's review of the President's decree in the Parliament⁷, thus exhibiting leadership, responsibility and political foresight**, as it has before regarding issues that have been addressed to the Venice Commission.

On the other hand, in the opinion of KRIIK, **political stakeholders can and should immediately hold a political roundtable in order to agree on their positions** in line with the best international practices and standards, without waiting for the official publication of the Opinion by the Venice Commission.

In conclusion, it is brought to the attention of political actors that the Electoral Code amendments of October 5th, according to KRIIK, essentially **affect the direct reflection of the citizens' vote in the elected representative mandate**, thus going against certain good practices established by the Venice Commission.

Without elaborating on a thorough analysis of all the amendments, KRIIK brings to attention the major concern as stated from the beginning **on the impossibility of opening the political system by the current establishment**.

The legal amendments, although inspired by the aspiration to increase the ability of citizens to choose their preferred candidates, have resulted in a freedom of choice limited only to the electoral "baskets" of candidates pre-defined by the party leadership, **making it impossible to elect new candidates or new political alternatives beyond the establishment forces**.

Particularly alarming is **the independent candidates' from civil society and whom the voters support inability to run**. In an unprincipled and unconstitutional approach, regardless of their result in the electoral zone they run in, such candidates must pass the threshold of 1% of nationwide votes in order to account whether or not they are eligible to obtain the mandate.

It is also emphasized that the **mechanism of financial control and transparency is not designed for the situation brought about** by the recent changes, further adding to the current problems. The proposed candidacy formula is expected to further promote the competition between and within political parties, thus increasing the electoral financial activity, which due **to the amendments made, remains entirely uncontrolled and non-transparent, despite previous minimal levels of control and transparency**.

Tirana, 27 October 2020!

**This Statement is published in Albanian and in English.
The [Albanian version](#) is the only official document.*

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¹ These agreements were drafted and signed by representatives of: -the socialist majority; - extra-parliamentary opposition and – parliamentary opposition, in the presence of prominent international actors.

² KRIIK, [Public Statement](#) “*The annulment of the Political Agreement and the unilateral amendment of the Constitution, a very dangerous precedent for the democratic future of the country*”, published on 17.07.2020.

³ [Law No. 115/2020 dated 30.07.2020](#) “*On some amendments to Law No. 8417, dated 21.10.1998 “Constitution of the Republic of Albania” as amended*”.

⁴ [Law No. 118/2020](#) “*On some addenda and amendments to Law No. 10019, dated 29.12.2008, “Electoral Code of the Republic of Albania”, as amended*”.

⁵ “[Reasoning for the return of Law No. 118-2020](#)”, presented in the content of [Decree No. 11797, dated 22.10.2020](#), “*On the return of Law No. 118/2020 “On some addenda and amendments to Law No. 10019, dated 29.12.2008, “Electoral Code of the Republic of Albania”, as amended*”.

⁶ [Letter of the President of the Republic, with Protocol No. 3620, dated 21.10.2020](#), addressed to the President of the Venice Commission Mr. Gianni Buquicchio with the subject “*Requesting an Urgent Opinion about the process of the unilateral and accelerated amendment of the Constitution and Electoral Code of the Republic of Albania*”.

⁷ Committee on Legal Affairs, Public Administration and Human Rights, [Meeting of 27 October 2020, Time: 12:00](#). On the agenda:

1. Reviewing the Decree of the President of the Republic No. 11797, dated 22.10.2020 “*On the return of Law No. 118/2020 “On some addenda and amendments to Law No. 10019, dated 29.12.2008, “Electoral Code of the Republic of Albania”, as amended*”.

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